

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 201901838	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/04/2018 3:00 PM	Location of Incident: [REDACTED]	Precinct: 109	18 Mo. SOL 12/4/2019	EO SOL 12/4/2019	
Date/Time CV Reported Wed, 02/27/2019 2:15 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Wed, 02/27/2019 2:15 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Kathy Martinez	04985	927618	AUTO CR
2. Officers			AUTO CR
3. SGT Bilal Ates	03374	934429	AUTO CR
4. An officer			AUTO CR

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Scott Berger	10210	948659	AUTO CR
2. DT3 Robert Smith	01124	932219	AUTO CR
3. DT3 Emrah Ates	00257	942967	AUTO CR

Officer(s)	Allegation	Investigator Recommendation
A.SGT Bilal Ates	Force: Sergeant Bilal Ates pointed his gun at § 87(2)(b) and § 87(2)(b)	[REDACTED]
B.DT3 Kathy Martinez	Force: Detective Kathy Martinez pointed her gun at § 87(2)(b) and § 87(2)(b)	[REDACTED]
C. Officers	Force: Officers pointed their guns at § 87(2)(b) and § 87(2)(b)	[REDACTED]
D.SGT Bilal Ates	Discourtesy: Sergeant Bilal Ates spoke discourteously to § 87(2)(b) and § 87(2)(b)	[REDACTED]
E. An officer	Abuse: An officer damaged § 87(2)(b)'s property.	[REDACTED]
F.SGT Bilal Ates	Force: Sergeant Bilal Ates used physical force against § 87(2)(b)	[REDACTED]
G.SGT Bilal Ates	Force: Officers used physical force against § 87(2)(b)	[REDACTED]
H. An officer	Force: Officers used physical force against § 87(2)(b)	[REDACTED]
I. An officer	Force: Officers used physical force against § 87(2)(b)	[REDACTED]
J. Officers	Abuse: Officers searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	[REDACTED]
K.DT3 Kathy Martinez	Abuse: Det. Kathy Martinez did not obtain medical treatment for § 87(2)(b)	[REDACTED]

## Case Summary

On February 27, 2019, § 87(2)(b) filed this complaint with the CCRB via mail on behalf of himself and his three friends: § 87(2)(b) and § 87(2)(b).

Prior to the incident, § 87(2)(b) agreed to sell at least 180 grams of heroin to an individual who was later revealed to be an undercover police officer. At approximately 3:10 p.m. on June 4, 2018, § 87(2)(b) traveled to § 87(2)(b) in Queens to meet the undercover officer and conduct the sale. He was accompanied by § 87(2)(b) and § 87(2)(b). Once they arrived, a team of plainclothes officers from the Auto Crime Unit, which included Sergeant Bilal Ates, Detective Kathy Martinez, Detective Robert Smith, Detective Emrah Ates and Police Officer Scott Berger, surrounded the civilians' vehicle. The officers allegedly had their guns drawn and pointed at the civilians' vehicle (**Allegations A, B and C: Force – Gun pointed, § 87(2)(g)**). Sergeant Ates allegedly told the civilians, "Get out of the fucking car" (**Allegation D: Discourtesy – Word, § 87(2)(g)**). Another officer also broke one of the windows on the civilians' vehicle (**Allegation E: Abuse of Authority – Property damaged, § 87(2)(g)**). Officers then pulled the civilians out of their vehicle, throwing them to the ground (**Allegations F through I: Force – Physical force, § 87(2)(g)**). When § 87(2)(b) protested, Sergeant Ates allegedly told him, "Shut the fuck up" (**Subsumed in Allegation D**). He then allegedly punched § 87(2)(b) in the face (**Subsumed in Allegation G**). § 87(2)(b) and the other civilians were arrested and taken into custody. Officers then searched the interior of the civilians' vehicle, recovering § 87(2)(b)'s heroin (**Allegation J: Abuse of Authority – Vehicle search, § 87(2)(g)**). § 87(2)(b) allegedly complained to Detective Martinez that his vision had gone blurry as a result of the force used during his arrest. Detective Martinez allegedly failed to obtain medical treatment for § 87(2)(b) (**Allegation K: Abuse of Authority – Refusal to provide medical attention, § 87(2)(g)**).

§ 87(2)(b) and § 87(2)(b) were all arrested and charged with criminal sale of a controlled substance (Board Review #01-02).

Due to the ongoing criminal case, this case was closed pending litigation on June 3, 2019. It was re-opened on May 5, 2020 after the trial concluded.

No video footage was found from this incident.

## Findings and Recommendations

**Allegation (A) Force: Sergeant Bilal Ates pointed his gun at § 87(2)(b) and § 87(2)(b)**

§ 87(2)(b) was interviewed by the CCRB on April 4, 2019. The investigation was unable to obtain statements from § 87(2)(b) or § 87(2)(b) (Board Review #03). Sergeant Ates was interviewed at the CCRB on November 12, 2020. Detective Smith and Police Officer Berger were interviewed at the CCRB on November 17, 2020. Detective Ates was interviewed at

the CCRB on December 8, 2020. The investigation was unable to interview Detective Martinez due to her retirement on November 1, 2020 (Board Review #04).

It is undisputed that § 87(2)(b) arranged to sell at least 180 grams of heroin to an undercover police officer. The undercover officer was working as part of a long-term investigation run by Detective Martinez of the Auto Crimes unit. § 87(2)(b) agreed to conduct the transaction at approximately 3:00 p.m. on June 4, 2018 at a municipal parking lot at § 87(2)(b) in Queens. A team of officers from the Auto Crimes Unit, working under the supervision of Sergeant Ates, waited at the parking lot. When § 87(2)(b) arrived at the lot in a vehicle with § 87(2)(b) and § 87(2)(b) Sergeant Ates and several other officers from the team surrounded the civilians' vehicle, removed them from the vehicle and arrested them for criminal sale of a controlled substance.

§ 87(2)(b) made no mention of discussing whether he or the other civilians would be armed with the undercover officer prior to the incident. § 87(2)(b) denied that his friends were involved in the transaction, and that he did not tell them that he was going to engage in a drug transaction when he asked them to drive him to § 87(2)(b). He stated that about two minutes after he and his friends arrived at the parking lot, approximately fourteen unmarked vehicles drove up to the civilians' vehicle and surrounded it. A group of approximately twelve officers, which included Sergeant Ates and Detective Martinez, exited the unmarked vehicles. Of these officers, at least seven approached the civilians' vehicle. These officers, including Sergeant Ate and Detective Martinez, all had their guns drawn and pointed at the vehicle.

Sergeant Ates stated that while § 87(2)(b) was arranging the drug transaction with the undercover officer, § 87(2)(b) warned the officer that the other civilians that would accompany him to the meeting would likely be armed. § 87(2)(b) advised the undercover officer that he should bring a firearm himself to the meeting for self-defense. The undercover officer relayed this information to Sergeant Ates. When the civilians' vehicle eventually arrived at the lot, Sergeant Ates found that its windows were tinted and rolled up, preventing him from seeing inside. He could not clearly see any of the people inside and could not tell how many people were in the vehicle. When Sergeant Ates approached the vehicle, he drew his gun. He kept it pointed at the ground as he approached. He denied pointing it at the vehicle or its occupants. Sergeant Ates explained that he did so because he was concerned, based on the warnings § 87(2)(b) relayed to the undercover officer, that the vehicle's occupants were armed and violent, and posed a threat to the safety of the arresting officers. Sergeant Ates did not see if any of the other officers who were present, including Detective Martinez, drew or pointed their guns during the incident.

Detective Smith, Detective Ates and Police Officer Berger all denied drawing their firearms during the incident. None of them recalled seeing any other officers, including Sergeant Ates, drawing their firearms.

NYPD Patrol Guide procedure 221-01 states that an officer's decision to draw or display their firearm should be based on an articulable belief that the potential for serious physical injury is present (Board Review #05).

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(g) [REDACTED]  
[REDACTED]  
§ 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]

**Allegation (C) Force: Officers pointed their guns at** § 87(2)(b) [REDACTED] § 87(2)(b) [REDACTED]  
**and** § 87(2)(b) [REDACTED]

[REDACTED] stated that he and the other civilians were surrounded by approximately fourteen unmarked vehicles. About twelve officers exited these vehicles. Roughly seven of these officers, including Sergeant Ates and Detective Martinez, approached the civilians' vehicle with their guns drawn and pointed. § 87(2)(b) [REDACTED] was only able to describe four of the officers who pointed their guns besides Sergeant Ates and Detective Martinez. He described one as a black male in his 30s, one as a Hispanic male in his 30s, one as a white or Hispanic male in his 40s or 50s, and one as a male of unknown race in his 30s. He did not learn any of these officers' names. § 87(2)(b) [REDACTED] did not recall what any of the other officers looked like, including officers who exited the unmarked vehicles but did not approach the civilians' vehicle.

Sergeant Ates, Detective Smith, Detective Ates and Police Officer Berger all confirmed that they were present during the incident. These officers, along with Detective Martinez, all worked together in the same module within the Auto Crimes Unit. They all stated that they worked with several other officers from the Auto Crimes Unit, but none of them recalled how many other officers were present. None of them could identify any other officers who were involved in the arrests.

Sergeant Ates confirmed that he was one of the officers who initially approached the civilians' vehicle and that he drew his gun while doing so. He did not recall if he saw any other officers

draw or point their guns at any time during the incident. Sergeant Ates rode to the parking lot in an unmarked van with Police Officer Berger and Detective Martinez.

Police Officer Berger stated that he drove an unmarked van to the parking lot with Sergeant Ates and Detective Martinez. After the civilians arrived, Police Officer Berger and the other officers surrounded their vehicle. Several officers approached the vehicle to apprehend its occupants. Police Officer Berger did not recall which particular officers approached the civilians' vehicle. He did not recall if he joined these officers in approaching the vehicle, or if he remained in his unmarked van. Police Officer Berger did not recall if he or any other officers drew their firearms or pointed their firearms at the civilians or their vehicle.

Detective Smith and Detective Ates both stated that they were assigned to an unmarked sedan together. They did not recall which officers first approached the civilian's vehicle. They did not recall if they did so themselves. Neither officer recalled how the civilians were taken into custody. They did not recall drawing their firearms during the incident. They did not recall if they saw any other officers drawing their weapons.

The sign-in sheet and movement log for Sergeant Ates' module lists him, Detective Martinez, Detective Smith, Detective Ates and Police Officer Berger. No other officers were listed for their module. Sergeant Ates, Detective Martinez and Police Officer Berger were assigned to one vehicle, while Detective Smith and Detective Ates were assigned to another vehicle. No other vehicles are listed (Board Review #06). The DD5s prepared for the civilians' arrests do not identify the officers who participated in the arrests (Board Review #07).

§ 87(2)(g)

Both § 87(2)(b) and the officers noted that there were a large number of officers involved in the arrests. Sergeant Ates and the other interviewed officers identified these officers as being from various other modules within the Auto Crimes Unit, but none of them recalled these officers' identities. None of the police documentation indicates which modules assisted them.

§ 87(2)(g)

Of those interviewed, only Sergeant Ates confirmed that he approached. The other officers did not recall their actions during the initial approach. Since § 87(2)(b) indicated that only about half of the officers approached his vehicle. He was unable to describe all of them.

§ 87(2)(g)

**Allegation (D) Discourtesy: Sergeant Bilal Ates spoke discourteously to** § 87(2)(b)  
**Ronald** § 87(2)(b) **and** § 87(2)(b)

§ 87(2)(b) stated that when the officers first exited their vehicles and surrounded the civilians' vehicles, several officers shouted at the civilians, telling them, "Get out of the fucking car." When

asked which of the officers said this, § 87(2)(b) stated that multiple officers said it, but that Sergeant Ates was the “main one” who said it. Sergeant Ates went on to pull § 87(2)(b) out of the car, bringing him to the ground. § 87(2)(b) tried to tell Sergeant Ates that the drugs he had in the vehicle were his alone and that the other civilians were not responsible for them. Sergeant Ates told him twice to “shut the fuck up.”

Sergeant Ates stated that when he and the other officers approached the civilians’ vehicle, they shouted “Police” to identify themselves. He denied that he or the other officers issued any commands to the civilians at that time. He denied telling them, “Get out of the fucking car.” He denied hearing any other officers make that statement. He denied telling § 87(2)(b) to “shut the fuck up” at any point. He denied hearing any other officers make that statement. Sergeant Ates denied that he used profanity during the incident. He denied hearing any other officers use profanity.

Detective Smith, Detective Ates and Police Officer Berger all denied hearing any officers, including Sergeant Ates, use profanity during the incident.

§ 87(2)(g)

**Allegation (E) Abuse of Authority: An officer damaged § 87(2)(b) s property.**

**Allegation (H) Force: An officer used physical force against § 87(2)(b)**

**Allegation (I) Force: An officer used physical force against § 87(2)(b)**

It is undisputed that at some point during the incident, an officer broke the rear-right passenger window in the civilians’ vehicle. It is also undisputed that officers reached inside the civilians’ vehicle and pulled them out.

§ 87(2)(b) stated that the officers tried to pull each of the civilian vehicle’s side doors open but were unable to open them because the doors were locked. § 87(2)(b) and the other civilians tried to unlock the doors, but the locks would not disengage because the officers were still pulling on the door handles. One of the officers, described as a black or Hispanic male in his 30s, then broke through the rear door on the passenger’s side of the vehicle. § 87(2)(b) did not see how this officer broke the window. He did not see if the officer struck the window with an object. A few seconds later, § 87(2)(b) was able to successfully unlock the vehicle’s doors, at which time the officers opened all four doors. Officers then reached into the driver’s seat and the front passenger’s seat to pull out § 87(2)(b) and § 87(2)(b) respectively. § 87(2)(b) did not recall which of the officers who approached the vehicle pulled § 87(2)(b) and § 87(2)(b) out. He did not see the exact contact that the officers made with § 87(2)(b) and § 87(2)(b) while pulling them out. The officers threw § 87(2)(b) and § 87(2)(b) face-down onto the ground. § 87(2)(b) was not aware of either § 87(2)(b) or § 87(2)(b) suffering injuries during the incident.

Sergeant Ates stated that he approached the civilians’ vehicle along with several other officers from the Auto Crimes Unit. He did not recall which officers accompanied him to the vehicle. He did not recall if Police Officer Berger or Detective Martinez, who had been riding in the same

unmarked van as him, went to the vehicle. Sergeant Ates, citing § 87(2)(b)'s alleged warning to the undercover officer that his friends were armed and dangerous, decided to remove § 87(2)(b) and the other civilians from the vehicle as quickly as possible to prevent them from reaching for any weapons they might have inside the vehicle. Sergeant Ates opened the rear passenger door on the driver's side, where § 87(2)(b) was sitting. Sergeant Ates had no difficulty opening the door. He denied that it was locked. Sergeant Ates removed § 87(2)(b) from the vehicle and apprehended him. He did not see how the other three civilians were removed because his attention was focused on § 87(2)(b). He did not see if officers physically pulled or dragged the other civilians out of the vehicle, or if any of them were taken to the ground. Sergeant Ates also noticed at some point during the incident that the rear door of the passenger's side was broken. He did not know at what point during the incident the window was broken. He did not see who broke the window or how they did it. Sergeant Ates did not know why the window was broken.

Detective Smith, Detective Ates and Police Officer Berger all stated that they did not recall how the civilians came to be out of the vehicle. They did not know if any officers pulled the civilians out of the vehicle or punched any of the civilians. They each denied doing so themselves. None of these officers recalled seeing any damage to the vehicle, including a broken window. They were not aware of an officer breaking one of the vehicle's windows.

The sign-in sheet and movement log for Sergeant Ates' module lists him, Detective Martinez, Detective Smith, Detective Ates and Police Officer Berger. No other officers were listed for their module. Sergeant Ates, Detective Martinez and Police Officer Berger were assigned to one vehicle, while Detective Smith and Detective Ates were assigned to another vehicle. No other vehicles are listed (Board Review #06). The DD5s prepared for the civilians' arrests do not identify the officers who participated in the arrests (Board Review #07). No TRI reports were found for this incident (Board Review #08).

§ 87(2)(g)  
The officers were not identified in the police documentation and none of the officers who were interviewed recalled who was there with them. Furthermore, neither § 87(2)(b) nor any of the interviewed officers could identify which officers approached the vehicle with Sergeant Ates. § 87(2)(b) was not able to describe either of the officers who pulled § 87(2)(b) and § 87(2)(b) out of their seats. Sergeant Ates was the only officer who recalled the window on the civilians' vehicle being broken, but he could not recall who broke it, when they broke it, how they broke it or why they broke it.

§ 87(2)(g)  
§ 87(2)(b)  
§ 87(2)(b)

**Allegation (F) Force: Sergeant Bilal Ates used physical force against § 87(2)(b)**

It is undisputed that Sergeant Ates reached inside the civilians' vehicle, grabbed § 87(2)(b) pulled him out of the vehicle and threw him to the ground.

§ 87(2)(b) stated that once Sergeant Ates opened the car door, he reached inside and grabbed § 87(2)(b)'s shoulders. Sergeant Ates pulled § 87(2)(b) out of the vehicle and pushed him face-down onto the ground. § 87(2)(b) tried to tell Sergeant Ates that the drugs in the vehicle belonged to him and that his friends were not involved in the drug transaction. Sergeant Ates told him to shut up. He then punched § 87(2)(b) once, striking the left side of § 87(2)(b)'s face. § 87(2)(b) again tried to explain that his friends were not involved. Sergeant Ates again told him to shut up. He punched § 87(2)(b) a second time on the left side of his face. Sergeant Ates did not use any further physical force against § 87(2)(b). § 87(2)(b) was not injured by the punches.

Sergeant Ates stated that once he reached the civilians' vehicle, he opened the rear passenger door on the driver's side. § 87(2)(b) was sitting in front of him. Sergeant Ates, citing § 87(2)(b)'s alleged warning to the undercover officer that his friends were armed and dangerous, decided to remove § 87(2)(b) and the other civilians from the vehicle as quickly as possible to prevent them from reaching for any weapons they might have inside the vehicle. Sergeant Ates grabbed § 87(2)(b) by one of his arms, pulled him out of the vehicle and then pushed him face-down onto the ground to restrain him. Once § 87(2)(b) was down, Sergeant Ates and an unidentified officer pulled his arms behind his back and handcuffed him. Sergeant Ates denied that he or the other officer used any physical force against § 87(2)(b) while he was on the ground. Sergeant Ates denied that he or any other officer punched § 87(2)(b) or any other civilian.

Detective Smith, Detective Ates and Police Officer Berger all stated that they did not recall how the civilians came to be out of the vehicle. They did not know if any officers pulled the civilians out of the vehicle. They were not aware of Sergeant Ates or any other officers punching a civilian.

No TRI reports were prepared for this incident (Board Review #08).

NYPD Patrol Guide procedure 221-01 states that officers may use physical force against an individual when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. Factors to consider when determining whether the use of force is reasonable include the actions taken by the subject, the immediacy of the perceived threat or harm, and whether the subject is actively resisting custody (Board Review #05).

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]



§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

**Allegation (G) Force: Sergeant Bilal Ates used physical force against § 87(2)(b)**

[REDACTED] stated that Sergeant Ates pulled him out of the back seat of the civilians' vehicle and threw him into the ground. Sergeant Ates then reached back inside the vehicle and grabbed § 87(2)(b) [REDACTED] who was sitting on the opposite side of the back seat. Sergeant Ates also pulled § 87(2)(b) [REDACTED] out of the vehicle and threw him to the ground. § 87(2)(b) [REDACTED] not see the exact contact that Sergeant Ates made with § 87(2)(b) [REDACTED] as he pulled him from the vehicle. § 87(2)(b) [REDACTED] was not aware of § 87(2)(b) [REDACTED] suffering any injuries.

Sergeant Ates stated that he pulled § 87(2)(b) [REDACTED] out of the vehicle and brought him to the ground. Afterwards, other officers pulled out the other three civilians, including § 87(2)(b) [REDACTED]. Sergeant Ates denied that he personally removed any other civilians besides § 87(2)(b) [REDACTED]. He did not know which officer removed which civilians from the vehicle. Sergeant Ates focused his attention on § 87(2)(b) [REDACTED] so he did not see what specific actions the other officers took to remove the other civilians. He did not know if officers used physical force against any of the other civilians besides § 87(2)(b) [REDACTED].

Detective Smith, Detective Ates and Police Officer Berger all stated that they did not recall how the civilians came to be out of the vehicle. They did not know if any officers pulled the civilians out of the vehicle. They each denied doing so themselves.

No TRI reports were prepared for this incident (Board Review #08).

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g) § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

**Allegation (H) Abuse of Authority: Officers searched the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) were occupants.**

It is undisputed that § 87(2)(b) arranged to meet with an undercover officer to sell him heroin. § 87(2)(b) kept the bag of heroin in a plastic bag. After the officers removed the civilians from their vehicle, at least one officer searched the interior of the vehicle. An officer recovered the bag of heroin.

§ 87(2)(b) stated that after the officers removed him and his friends from the vehicle, three officers searched the vehicle. He described two of these officers as a black male in his 30s and a Hispanic male in his 30s. He did not recall what the third officer looked like. The officers searched the areas around the front and back seats, including the center console. The officers removed the heroin from the back seat and as well as the civilians' cell phones, which were kept in the center console.

Sergeant Ates stated that after officers removed the civilians from the vehicle and arrested, Detective Martinez searched the interior of their vehicle to look for drugs and weapons. Sergeant Ates believed that there were drugs and weapons inside the vehicle because of the arrangement § 87(2)(b) had made with the undercover officer. He stated that Detective Martinez's search included the entire vehicle interior. Detective Martinez was the only officer who searched the vehicle. She removed the bag of heroin but did not remove any other items.

Detective Smith, Detective Ates and Police Officer Berger all stated that they did not recall if any officers searched the civilians' vehicles during the incident. They denied that they did so themselves. They did not recall if any items were removed from the vehicle, including any heroin.

Property vouchers prepared for the incident show that two cell phones and a plastic bag containing alleged heroin were seized as arrest evidence (Board Review #08).

Under the general automobile exception, officers may search the interior of a motor vehicle if they have probable cause to believe that it contains evidence of a crime. People v. Green, 100 A.D.3d 654 (App. Term, 1st Dept., 2012) (Board Review #09)

§ 87(2)(g)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

**Allegation (B) Force: Detective Kathy Martinez pointed her gun at** § 87(2)(b) **and** § 87(2)(b) **Allegation (I) Abuse of Authority: Det. Kathy Martinez did not obtain medical treatment** for § 87(2)(b)

§ 87(2)(b) stated that Detective Martinez was one of the officers who pointed her gun at the civilian's vehicle. He also stated that after Sergeant Ates punched him and handcuffed him, he started to feel dizzy and experience blurred vision. § 87(2)(b) complained about his condition to Detective Martinez. Detective Martinez told him to wait. Officers then transported § 87(2)(b) and the other civilians to a stationhouse. § 87(2)(b) identified it as the 103<sup>rd</sup> Precinct stationhouse, but the investigation identified it as the 109<sup>th</sup> Precinct stationhouse. While there, § 87(2)(b) complained against that he was dizzy and had blurred vision. He did not explicitly ask for medical attention. Detective Martinez gave him an over-the-counter painkiller and some water. She did not offer any other medical attention to § 87(2)(b)

Detective Martinez retired from the NYPD on August 31, 2020 (Board Review #04). § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party (Board Review #10).
- Sergeant Ates has been a member of the service for sixteen years and has been identified as a subject officer in 15 previous CCRB complaints and 37 allegations, one of which was substantiated.
  - 200704116 involved a substantiated allegation of entry and/or search of premises. The Board recommended that he receive charges. The NYPD administered instructions.
  - § 87(2)(g)
- Detective Martinez has retired from the NYPD (Board Review #04). This is the first CCRB complaint in which Detective Martinez has been identified as a subject officer.

### **Mediation, Civil and Criminal Histories**

- This complaint was not eligible for mediation.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on December 14, 2020. The results will be included in the case file upon receipt.
- § 87(2)(b)
- The Office of Court Administration lists no court records for the other civilians' arrests during this incident (Board Review #11).

